

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL J. GERMAIN, #467411,

Petitioner,

Case Number: 08-CV-10891

v.

HON. ANNA DIGGS TAYLOR

THOMAS BELL,

Respondent.

**ORDER GRANTING PETITIONER'S MOTION TO AMEND AND DENYING
PETITIONER'S MOTION FOR LEAVE TO JOIN ALL WRITS OF HABEAS CORPUS**

Petitioner Daniel J. Germain filed a *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2254. Now before the Court are Petitioner's "Motion to Amend Petitioner's Memorandum of Law Rule 15(a)" and "Motion for Leave to Join All Writs of Habeas Corpus 28 U.S.C. § 2254, Into One United States District Court for Litigation Under Rule 20 (1)(A)(B)."

A response to the habeas corpus petition has not yet been filed and is not due to be filed until September 15, 2008. Federal Rule of Civil Procedure 15 permits a party to amend a pleading once as a matter of course at any time before a responsive pleading is served. Therefore, the Court permits Petitioner to amend his habeas corpus petition.

Petitioner also has filed a "Motion for Leave to Join All Writs of Habeas Corpus 28 U.S.C. § 2254, Into One United States District Court for Litigation Under Rule 20 (1)(A)(B)," in which he asks the Court to join his habeas corpus petition with that of Carl E. Betzer, whose petition is pending in this district before the Honorable Bernard A. Friedman. Federal Rule of Civil Procedure 20, provides, in pertinent part:

(a) Persons Who May Join or Be Joined.

(1) Plaintiffs. Persons may join in one action as plaintiffs if:

(A) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and

(B) any question of law or fact common to all plaintiffs will arise in the action.

Fed. R. Civ. P. 20.

“Rule 20 places joinder under the Court's discretion to determine whether adding additional parties promotes convenience and judicial economy.” *Meier v. County of Presque Isle*, 2008 WL 2117603, *2, n.1 (E.D. Mich. May 20, 2008). Petitioner provides no argument in support of his request for joinder and the Court finds that joining the pending petition with an unrelated petition would not promote convenience or judicial economy.

Accordingly, **IT IS ORDERED** that Petitioner’s “Motion to Amend Petitioner’s Memorandum of Law Rule 15(a)” [dkt. # 8] is **GRANTED**.

IT IS FURTHER ORDERED that Petitioner’s “Motion for Leave to Join All Writs of Habeas Corpus 28 U.S.C. § 2254, Into One United States District Court for Litigation Under Rule 20 (1)(A)(B)” [dtk. # 6] is **DENIED**.

s/ Anna Diggs Taylor

ANNA DIGGS TAYLOR

UNITED STATES DISTRICT JUDGE

Dated: July 18, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on July 18, 2008.

Daniel Germain, #467411
Parr Highway Correctional Facility
2727 East Beecher St.
Adrian, MI 49221

s/Johnetta M. Curry-Williams
Case Manager